

FILED 26 JUL '16 13:05 USDC-ORP

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**IN THE UNITED STATES DISTRICT COURT  
OF OREGON  
AT PORTLAND**

**ANDREA OLSON  
(PLAINTIFF)**

**V.**

**CASE NO 3:15-CV-2216-SI**

**MBO PARTNERS INC  
(DEFENDANT)**

**Motion for Recusal**

Andrea Olson (Olson), Plaintiff, in the above-captioned case, respectfully moves that the United States District Court Judge Michael H. Simon (Judge Simon) recuse himself from this case on the following grounds:

28 U.S. Code § 455 (a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

1) Judge Simon has substantial involvement in community organizations such as the American Civil Liberties Union (ACLU) of Oregon and Classroom Law Project. Judge Simon serves on the Board of Directors for Classroom Law Project along with the Defendant's law firm, Davis Wright and Tremaine LLP. Honorable Simon's past employer, Perkins Coie LLP is also listed as a board member and a sponsor.

28 U.S. Code § 455 (5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding; Judge Michael H Simon is married to Congresswoman Suzanne Bonamici who has an interest in Energy Issues. Most recently, Congresswoman Bonamici supported the Energy and Water Development and Related Agencies Appropriations Act, 2017 which provides appropriations for the Power Marketing Administrations, including the Bonneville Power Administration (BPA) Fund. In addition, she personally participated in a reenactment of President Franklin D. Roosevelt signing the Bonneville Project Act that created BPA, which was part of a 75<sup>th</sup> year celebration held September 15, 2012 at the Bonneville Lock

and Dam. This event was attended by thousands. Bonneville Power Administration (BPA) is a party in this case but the federal Equal Employment Opportunity Commission (EEOC) process administratively prevents Olson from amending this case adding BPA at this writing.

#### Oregon Code of Judicial Conduct RULE 3 IMPARTIAL AND DILIGENT PERFORMANCE OF JUDICIAL DUTIES

Rule 3.2 Ensuring the Right to be Heard -A judge shall accord to every person who has a legal interest in a proceeding, or to that person's lawyer, the right to be heard according to law. Judge Simon is aware that due to Olson's medical condition/disability, Olson is unable to represent as pro se. Olson had verbally requested the court's assistance in obtaining counsel for months and was granted several extensions to allow more time for Olson to obtain legal counsel. After being turned down again close to the date of Judge Simons's last extension with no further ones permitted, Olson again requested help via letter to Judge Simon's court clerk on June 30, 2016. Olson's medical condition/disability was and is still impacting Olson's ability to represent pro se. Without Judge Simon or his staff engaging with Olson in the interactive process, her request for help was denied. Under the law, a request for reasonable accommodation does not require the specific words to be used. In his denial, Judge Simon stated he didn't think Olson's case was so complex that Olson could not represent herself. This is not true. Olson's case is very complex and Olson is still in need of legal counsel/help. In addition, Judge Simon referenced indigence. Olson's letter dated June 30, 2016 did not indicate indigent status. Olson's right to be heard was not ensured by Judge Simon.

Rule 3.3 Impartiality and Fairness - (A) A judge shall uphold and apply the law and perform all duties of judicial office, including administrative duties, fairly, impartially, and without bias or prejudice. Judge Simon denied Olson counsel. And as stated in the opening paragraph, Judge Simon is on the Classroom Law Project's Board of Directors, a position shared by his former employer and the Defendant's law firm, making his involvement in Olson's case a conflict of interest.


C) A judge shall not take any action or make any comment that a reasonable person would expect to impair the fairness of a matter pending or impending in any Oregon court. It has been documented that it is not a violation of this rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters heard fairly and impartially. Further, it is Olson's understanding that Oregon has a rule-based code, meaning that

if it is not prohibited, it is allowed. Judge Simon took action on Olson's request for help finding legal counsel by denying Olson's request without engaging with Olson in an interactive process.

Rule 3.4 External Influences on Judicial Conduct - (B) A judge shall not permit family, social, political, financial, or other interests or relationships to improperly influence the judge's judicial conduct or judgment. Judge Michael Simon is married to Congresswoman Suzanne Bonamici and she holds an active interest in Energy Issues.

Petitioner respectfully moves that the Honorable Michael H. Simon remove and disqualify himself as judge, and another judge assigned to hear and try all matters in this case.

Respectfully submitted,



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Andrea Olson  
Disabled and in need of Counsel  
[Andrea.olson8888@gmail.com](mailto:Andrea.olson8888@gmail.com)  
503-452-8888

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## Affidavit of Andrea Olson

STATE OF OREGON  
COUNTY OF MULTNOMAH

The undersigned, ANDREA OLSON, being duly sworn, hereby deposes and says:

1. I am over the age of 18 and am a resident of the State of Oregon. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.
2. I am not an attorney and I am still in need of legal counsel.
3. I believe that I cannot have a fair and impartial trial or hearing before the judge, and that it is made in good faith and not for the purpose of delay

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 26<sup>th</sup> day of July, 2016.

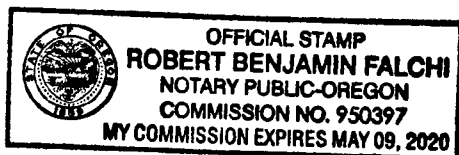


Andrea Olson

### NOTARY ACKNOWLEDGEMENT

STATE OF OREGON, COUNTY OF MULTNOMAH:

This Affidavit was acknowledged before me on this 26<sup>th</sup> day of July, 2016 by Andrea Olson, who, being first duly sworn on oath according to law, deposes and says that he/she has read the foregoing Affidavit subscribed by him/her, and that the matters stated herein are true to the best of his/her information, knowledge and belief.

  
Notary Public  
Title (and Rank)

My commission expires 05/09/2020

### **CERTIFICATE OF SERVICE**

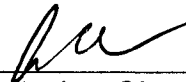
On July 26, 2016, I, Andrea Olson, Plaintiff, am serving Plaintiff's Motion for Recusal hand-delivered to 7<sup>th</sup> floor for Honorable Michael H. Simon as well as email and regular U.S. Mail to Ms. Mooney and Ms. Walker:

***Hand-delivered to 7<sup>th</sup> floor:***

Honorable Michael H. Simon  
Mark O. Hatfield United States Courthouse  
Room 1327  
1000 Southwest Third Avenue  
Portland, OR 97204-2944

***Email and Regular U.S. Mail:***

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Andrea Olson